

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARTIN L. SPENCE,)
)
 Petitioner)
) Civil Action No.
 v.) 04cv10385-RWZ
)
 IMMIGRATION & NATURALIZATION)
 SERVICE,)
)
 Respondents)

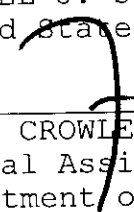
MOTION TO DISMISS

Respondent¹ moves to dismiss this action pursuant to Fed. R. Civ. P. rules 12(b)(1) and (6) for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

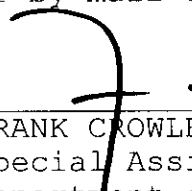
By:


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¹ As of a DHS restructuring effective June 9, 2003, the responsive successor official of the Department of Homeland Security having control of petitioner's custody in the instant action is Bruce Chadbourne, Interim Field Director for Detention and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on March 2, 2004.



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